

AMENDED IN SENATE MARCH 30, 2006

**SENATE BILL**

**No. 1194**

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**Introduced by Senator Morrow**

January 23, 2006

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An act to add Section 19816.13 to the Government Code, *and to add Section 2811 to the Labor Code*, relating to ~~state employees~~ employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1194, as amended, Morrow. ~~State employees~~: *Employment*: hiring practices: immigration status.

The federal Basic Pilot Program, administered by the United States Department of Homeland Security, allows *public and private* employers to access government databases to verify that the employees they hire are authorized to work in the United States.

The Department of Personnel Administration is required to administer the nonmerit aspects of the state's personnel system.

This bill would require the Department of Personnel Administration to verify ~~every state employee's~~ *the* legal status or authorization to work in the United States *of every employee of the state and agencies that contract with the state* prior to the hiring of that employee in accordance with the Basic Pilot Program, as specified.

*This bill would also require an employer to verify the legal status or authorization to work in the United States of every employee of that employer and other employers that contract with that employer prior to the hiring of that employee in accordance with the Basic Pilot Program, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 19816.13 is added to the Government Code, to read:

19816.13. (a) The department shall verify ~~every state employee's~~ *the legal status or authorization to work in the United States of every employee of the state and agencies that contract with the state* prior to the hiring of that employee in accordance with the Basic Pilot Program.

~~(b) As used in this section:~~

~~(1)~~

(b) *As used in this section, "Basic Pilot Program" means the electronic verification of work authorization program of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. Sec. 1101 et seq.) that is operated by the United States Department of Homeland Security.*

~~(2) "Employee" means any person applying for work or service of any kind or character for hire with the state, as described in subdivision (d) of Section 19815, except a person under contract or subcontract.~~

SEC. 2. Section 2811 is added to the Labor Code, to read:

2811. (a) *An employer shall verify the legal status or authorization to work in the United States of every employee of that employer and other employers that contract with that employer prior to the hiring of that employee in accordance with the Basic Pilot Program.*

(b) *For purposes of this section, "Basic Pilot Program" means the electronic verification of work authorization program of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. Sec. 1101 et seq.) that is operated by the United States Department of Homeland Security.*